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FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

SEP 21 2000

OFFICE OF
MANAGING DIRECTOR

86-285

John P. Stern, Esquire
Loral Space & Communications Ltd.
1755 Jefferson Davis Highway
Suite 1007
Arlington, Virginia 22202-3501

Re: Loral Space & Communications, Ltd.
Fee Control # 9911048210376001

Dear Mr. Stern:

This responds to the request of Loral Space & Communications, Ltd. ("Loral SpaceCom") for a refund of the \$6,390.00 fee payment it submitted in connection with its application to extend construction completion and launch milestones of its Telestar 8 satellite.

Specifically, in 1997, section 1.1107(9)(g) specified a fee of \$610 for "extension of construction permit/launch authorization" of geostationary space stations. In 1998, at the time Loral SpaceCom filed the instant application, however, the fee schedule was adjusted upward so that the fee of \$610, had it not been deleted, would have been \$640.

In the absence of a specified fee, and upon the advice of the International Bureau staff, Loral SpaceCom submitted with its instant application a \$6,390.00 payment, the fee specified under section 1.1107(9)(c) for space station modifications. However, Loral SpaceCom maintains that it is not appropriate to apply the modification application fee to an extension application, because a modification application is more complicated, requires greater Commission analysis and effort, and is more likely to be opposed. Loral SpaceCom further maintains that deletion of section 1.1107(9)(g) eliminates the requirement to pay a fee for milestone extensions. Accordingly, Loral SpaceCom requests refund of its \$6,390.00 fee payment.

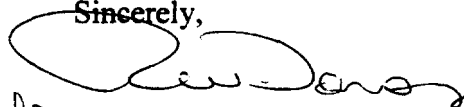
The statutory fee schedule specifies a fee for each "extension of construction permit/launch authorization" request. *See* 47 U.S.C. § 158(g), *Common Carrier Services*, 16g. In implementing 47 U.S.C. § 158, the Commission stated that "changes to this new Schedule of Charges may come only in accordance with the new provisions of the Communications Act or through the passage of new legislation." *See Establishment of Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

Reconciliation Act of 1985, FCC No. 86-301 (July 9, 1986)(WESTLAW, FCOM-FCC library). Thus, absent congressional action, the Commission will not purposely add to or delete from the statutorily established categories of feeable items.

Our review of Loral SpaceCom's request discloses that, in fact, the Commission's recent fee schedules inadvertently omitted the applicable fee for extensions. In the future, the Commission will amend its fee schedule to reinstate the applicable fee. However, in the interim, as the statutory fee schedule has retained the applicable fee category, Loral SpaceCom remains subject to the fee requirement. Loral SpaceCom is entitled to a refund of \$5,750.00, the difference between the \$6,390.00 it paid and the applicable \$640.00 fee it should have paid.

Accordingly, Loral SpaceCom's request for refund is granted in part. A check made payable to the maker of the original check and drawn in the amount of \$5,750.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a large, stylized initial "M" and a long, sweeping underline.

Mark A. Reger
Chief Financial Officer



Space & Communications, Ltd.

1755 Jefferson Davis Hwy.
Suite 1007
Arlington, VA 22202-3501
(703) 414-1060
Fax: (703) 414-1079

John P. Stern
Associate General Counsel

RECEIVED

November 2, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Andrew S. Fishel
Managing Director
Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Request for Refund of Fee for Application to Extend Milestones

Dear Mr. Fishel:

Pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, Loral Space & Communications Ltd. ("Loral "), respectfully requests a refund of the \$6,390 fee that Loral is submitting today with its request to extend the construction completion and launch milestones for its Telstar 8 satellite.

Prior to September 14, 1998, the Commission's schedule of charges (found at 47 C.F.R. §§ 1.1101-1109) included a category under § 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's recent revisions to its schedule have eliminated this fee category. Consequently, it would appear that no fee is due for extensions of construction permit/launch authorizations.


Notwithstanding the foregoing, upon the advice of International Bureau staff, Loral is filing its milestone request together with a fee of \$6,390 pursuant to 1.1107(9)(c) (space station modifications) which is the closest remaining fee category that could even be deemed to apply to this application. However, milestone extension requests are usually short, often unopposed and relatively easy for the Commission to act upon. Modification applications, on the other hand, usually involve much more detailed technical analysis and Commission effort. Moreover, Loral believes that the deletion of § 1.1107(9)(g) eliminates the requirement to pay a fee for milestone

Andrew S. Fishel
November 2, 1999
Page 2

extensions. Accordingly, Loral requests that the Commission refund the \$6,390 fee which it is filing today with its extension request.

If you have any questions regarding this refund request, please contact the undersigned. Thank you for your prompt consideration of this matter.

Respectfully submitted,



John P. Stern

cc: Tom Holleran
Regina Dorsey
Tom Sullivan
Kathleen Campbell

Payment Transactions Detail Report

Date: 11/16/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9911048210376001	LORAL SPACECOM CORPORATION LORAL SKYNET 500 HILLS DRIVE BEDMINSTER NJ 07921	WP00018287	0133867427	1/02/1999 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$25,560.00	\$25,560.00	2	BFY	1	ORIONF7AT8	LORAL ORION INC	20850		\$6,390.00	1	PMT
\$25,560.00	\$25,560.00	3	BFY	1	TELSTAR4AT	LORAL SPACECOM CORP	07921		\$6,390.00	1	PMT
\$25,560.00	\$25,560.00	1	BFY	2	TELSTAR8AT	LORAL SPACE & COMMUNICATIONS L	10016		\$12,780.00	1	PMT
Total	3								\$25,560.00		